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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09/787,443	07/30/2001	Lars Christian Ronn	P06506US0	6998

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EXAMINER
NICHOLS, CHRISTOPHER J

ART UNIT	PAPER NUMBER
1647	7

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/787,443	RONN ET AL.	
	Examiner	Art Unit	
	Christopher Nichols, Ph.D.	1647	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 August 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *56-97* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *56-97* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other.

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

2. This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

3. In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 56-66 and 70-73 (each in part), drawn to compound comprising SEQ ID NO: 1.

Group 2, claim(s) 56-66 and 70-73 (each in part), drawn to compound comprising SEQ ID NO: 2.

Group 3, claim(s) 56-66 and 70-73 (each in part), drawn to compound comprising SEQ ID NO: 3.

Group 4, claim(s) 56-59 and 62-73 (each in part), drawn to compound comprising SEQ ID NO: 23.

Group 5, claim(s) 56-59 and 74-76 (each in part), drawn to compound comprising SEQ ID NO: 26.

Group 6, claim(s) 77-82 and 95-96 (each in part), drawn to use of a compound to stimulate or promote neurite outgrowth from NCAM presenting cells and/or proliferation thereof as a medicament comprising treatment of diseases and conditions of the central nervous system.

Group 7, claims(s) 77-82 and 95-96 (each in part), drawn to use of a compound to stimulate or promote neurite outgrowth from NCAM presenting cells and/or proliferation thereof as a medicament comprising treatment of diseases and conditions of the peripheral nervous system.

Group 8, claims(s) 77-83 (each in part), drawn to use of a compound to stimulate or promote neurite outgrowth from NCAM presenting cells and/or proliferation thereof as a medicament comprising treatment of diseases and conditions of muscles.

Group 9, claims(s) 77-82 and 84 (each in part), drawn to use of a compound to stimulate or promote neurite outgrowth from NCAM presenting cells and/or proliferation thereof as a medicament comprising treatment of diseases and conditions of the various organs wherein the organs are gonads.

Group 10, claims(s) 77-82 and 84 (each in part), drawn to use of a compound to stimulate or promote neurite outgrowth from NCAM presenting cells and/or proliferation thereof as a medicament comprising treatment of diseases and conditions of the various organs wherein the organ is the panaceas.

Group 11, claims(s) 77-82 and 84 (each in part), drawn to use of a compound to stimulate or promote neurite outgrowth from NCAM presenting cells and/or proliferation thereof as a medicament comprising treatment of diseases and conditions of the various organs wherein the organ is the kidney.

Group 12, claims(s) 77-82 and 84 (each in part), drawn to use of a compound to stimulate or promote neurite outgrowth from NCAM presenting cells and/or proliferation thereof as a medicament comprising treatment of diseases and conditions of the various organs wherein the organ is the heart.

Group 13, claims(s) 77-82 and 84 (each in part), drawn to use of a compound to stimulate or promote neurite outgrowth from NCAM presenting cells and/or proliferation thereof as a medicament comprising treatment of diseases and conditions of the various organs wherein the organ is the liver.

Group 14, claims(s) 77-82 and 84 (each in part), drawn to use of a compound to stimulate or promote neurite outgrowth from NCAM presenting cells and/or proliferation thereof as a medicament comprising treatment of diseases and conditions of the various organs wherein the organ is the bowel.

Group 15, claims(s) 77-82 and 85 (each in part), drawn to use of a compound to stimulate or promote neurite outgrowth from NCAM presenting cells and/or proliferation thereof as a medicament comprising stimulation of the ability to learn and/or of the memory.

Group 16, claims(s) 86-87 and 89-91 (each in part), drawn a pharmaceutical composition wherein the compound is a fragment of the NCAM Ig1 peptide.

Group 17, claims(s) 86 and 88-91 (each in part), drawn a pharmaceutical composition wherein the compound is a fragment of the NCAM Ig2 peptide.

Group 18, claim(s) 92-94 and 97, drawn to a prosthetic nerve guide.

4. The inventions listed as Groups 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

5. Group 1 recites the technical feature of SEQ ID NO: 1, which is not required by the other Groups.

6. Group 2 recites the technical feature of SEQ ID NO: 2, which is not required by the other Groups.

7. Group 3 recites the technical feature of SEQ ID NO: 3, which is not required by the other Groups.

8. Group 4 recites the technical feature of SEQ ID NO: 23, which is not required by the other Groups.

9. Group 5 recites the technical feature of SEQ ID NO: 26, which is not required by the other Groups.

10. Group 6 recites the technical features of the treatment of diseases and conditions of the central nervous system, which is not required by the other Groups.

11. Group 7 recites the technical feature the treatment of diseases and conditions of the peripheral nervous system, which is not required by the other Groups.

12. Group 8 recites the technical feature of the treatment of diseases and conditions of the muscles, which is not required by the other Groups.

13. Group 9 recites the technical features of the treatment of diseases and conditions of the gonads, which is not required by the other Groups.

14. Group 10 recites the technical features of the treatment of diseases and conditions of the pancreas, which is not required by the other Groups.

15. Group 11 recites the technical feature the treatment of diseases and conditions of the kidney, which is not required by the other Groups.

16. Group 12 recites the technical feature of the treatment of diseases and conditions of the heart, which is not required by the other Groups.

17. Group 13 recites the technical features of the treatment of diseases and conditions of the liver, which is not required by the other Groups.

18. Group 14 recites the technical features of the treatment of diseases and conditions of the bowel, which is not required by the other Groups.

19. Group 15 recites the technical features of a medicament comprising stimulation of the ability to learn and/or of the memory, which is not required by the other Groups.

20. Group 16 recites the technical features of a NCAM Ig1 peptide, which is not required by the other Groups.

21. Group 17 recites the technical features of a NCAM Ig2 peptide, which is not required by the other Groups.

22. Group 18 recites the technical features of a prosthetic nerve guide, which is not required by the other Groups.

23. This application contains claims directed to the following patentably distinct species of the claimed invention:

a. Postoperative nerve damage
b. Traumatic nerve damage
c. Impaired myelination of nerve fibers
d. Postischemic
e. Parkinson's disease
f. Alzheimer's disease
g. Multinfarct dementia
h. Sclerosis
i. Nerve degeneration associated with diabetes mellitus
j. Disorders affecting the circadian clock
k. Disorders affecting neuromuscular transmission
l. Schizophrenia

If applicant selects Invention 6 or 7, one species from the diseases and conditions of the nervous system group must be chosen to be fully responsive.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims95 and 96 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

24. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

25. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

26. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

27. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher James Nichols, Ph.D. whose telephone number is (703) 305-3955. The examiner can normally be reached on Monday through Friday, 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, Ph.D. can be reached on 703-308-4623. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications. The fax phone numbers for the customer service center is 703-872-9305.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Elizabeth C. Kemmerer

PRIMARY EXAMINER

CJN
January 10th, 2003